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G.345

**PART I - NOTIFICATIONS BY GOVERNMENT, HEADS OF DEPARTMENTS
AND OTHER OFFICERS**

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NOTIFICATIONS BY GOVERNMENT

**SUPERINTENDENT OF POLICE,
KRISHNA, MACHILIPATNAM.**

C.No.28/PR/2019.

Dated: 23 -08-2021.

MEMO

OE AGAINST Sri N. VIJAYA KUMAR, ARPC 2172, DAR, KRISHNA DISTRICT,
MACHILIPATNAM, ORAL ENQUIRY COMPLETED – MINUTES AGREED -
FURTHER WRITTEN STATEMENT OF DEFENCE CALLED FOR.

- Ref :
- 1) This office memorandum of OE charge in C.No. 28/PR/2019 (C.No.52/A5/2019) dt: 28.11.2019 acknowledged by the charged officer on 03.12.2019.
 - 2) Letter, Dt.25.12.2020 of the Deputy Supdt. of Police, Disha Mahila P.S., Machilipatnam.

Sri N. Vijaya Kumar, ARPC 2172, DAR, Krishna District, Machilipatnam was handed up on an article of charge in the reference cited for the following delinquency.

“That on 14.08.2019 as per the instructions of the superior officers the Reserve Inspector (Admn.), D.A.R., Krishna District, Machilipatnam called the charged officer through his writer ARPC 2615 to his office at District Police Office, Krishna District, Machilipatnam. The Reserve Inspector (Admn.), DAR, Krishna District, Machilipatnam busily engaged in attending his legitimate duties by sitting in his writer’s room and preparing the minute to minute programme with regards to the Independence day celebrations on 15.08.2019. The charged officer appeared before the R.I., DAR, Krishna District, Machilipatnam, then he told the charged officer that he is not available at headquarters to communicate the instructions of the superior officers and informed him on humanitarian grounds that if he filed any representation by requesting to take him to duty before the Superintendent of Police, Krishna District, Machilipatnam and the kind officer will release from suspension and take him to duty as the charged officer has been under suspension since 26.05.2019. On that the charged officer keep quiet, R.I., DAR, Krishna informed him that the accused left by them was nabbed and did he know what the accused did ? On that he charged officer aggrieved went up on R.I., DAR, Krishna with provocation to beat and abused R.I., DAR, Krishna on his own accord and created panic in the office and obstructed the R.I., DAR, Krishna in discharging his legitimate duties. Then R.I., DAR, Krishna called the duty R.S.I. B. Satyanarayana Murthy and instructed him as “Ithadini Bayataku Pampinchandi, but the charged officer misunderstood the R.I., DAR, Krishna word as “Veedini” and again went up on R.I., DAR, Krishna by abusing and obstructed him in performing his legitimate duties. At that time RSIs K.Rajesh Kumar, B. Satyanarayana Murthy, ARPCs 2615 K.Venu, 2621 M. Byreddy, 2338 P.Vasantha Rao were present at the office of the Reserve Inspector. RSI Rajesh Kumar persuaded the charged officer and gave conclusion to the dispute. The R.I., DAR, Krishna put the matter before the superior officers and presented a report at Chilakalapudi P.S. for taking taking necessary action against the charged officer. Subsequently Sri T. Nagendra Rao, S.I. of Police, Chilakalapudi P.S. registered the same as F.I.R. in Crime No. 212/2019 U/s. 353 IPC of Chilakalapudi P.S. and investigated into. During the course of investigation he visited the scene of offence and examined as many as six witnesses and recorded their detailed statements and arrested the accused on the same day at 17.00 hrs. as prima facie was established against the charged officer and sent him for judicial custody. Being working in a disciplined force the charged officer behaved indecently, arrogantly, highhandedly and in an indisciplined manner with the R.I., DAR, Krishna District, Machilipatnam, thereby degraded the image of police in the view of public.

Thus, ARPC 2172 has exhibited gross misconduct, reprehensible conduct and created nuisance in the vicinity of Reserve Inspector’s office and tarnished the image of police in the view of the General Public, which is unbecoming of a police officer and there by violated rule 3 of APCS (Conduct) Rules, 1964.”

The Deputy Supdt. of Police, Disha Mahila P.S., Machilipatnam was appointed as Inquiring Officer with instructions to conduct oral enquiry against the charged officer Sri N. Vijaya Kumar, ARPC 2172, DAR, Krishna District, Machilipatnam. The Inquiring Officer has completed OE and submitted minutes holding the Articles of charge as **Proved**. I agree with the findings of the Inquiring Officer.

A copy of the OE minute submitted by the Inquiring Officer is sent herewith and he is directed to submit his further representation of defence on the findings of the Inquiring Officer to this office within 15 days from the date of receipt of this memorandum.

Encl: OE Minute

Sd/-,,,
for Superintendent of Police,
Krishna District.

To

Sri N. Vijaya Kumar, ARPC 2172, DAR, Krishna District, Machilipatnam (induplicate) through the R.I., Admn., DAR, Krishna District, Machilipatnam who will please serve a copy of the minute on the charged officer and to return the dated acknowledged copy to this office immediately.

Dy. Supdt. of Police,
Mahila PS, Machilipatnam.

C.No.28/PR/2019.

Dt.25.12.2020.

MINUTES

Charged Officer: Sri N.Vijay Kumar, AR PC-2172, D.A.R., Krishna, Machilipatnam.

** ** *

In exercise of the powers conferred by Sub Rule(2) of Rule 20 of A.P. Civil Services (CC&A) Rules'1991, I was appointed as Enquiry Officer in view of transfer of my predecessor Enquiry Officer Sri Ch.Venkateswarlu, DSP, Bandar Traffic PS to inquire in to the charges framed against Sri N.Vijay Kumar, AR PC-2172, D.A.R., Krishna, Machilipatnam vide order in C.No.28/PR/2019 Dt.25.06.2020 of the Supdt. of Police, Krishna, Machilipatnam with instructions to inquire into the allegations leveled against the Charged Officer. Since, I have completed the inquiry and prepared my inquiry report.

Sri V.Jagadish Chandra Bose, Sub Inspector of Police, Traffic PS, Machilipatnam was appointed as Presenting Officer in this O.E. Later on his transfer SI of Police, Traffic Police Station, Bandar was appointed as Presenting Officer.

The Charged Officer Sri N.Vijay Kumar, AR PC-2172, D.A.R., Krishna, Machilipatnam was participated in the inquiry from the beginning and during his presence he was not assisted by any defense assistant.

The following article of charge has been framed against Sri N.Vijay Kumar, AR PC-2172, D.A.R., Krishna, Machilipatnam.

(A) Statement of charges:

The Charged Officer Sri N.Vijay Kumar, AR PC-2172, D.A.R., Krishna, Machilipatnam had been under suspension since 26.05.2019. On 14.08.2019 as per the instructions of hierarchy RI, Admn., called him through his writer ARPC-2615 to his office in DPO, Krishna, Machilipatnam. While the RI Admn., was busily engaged in preparing the minute to minute programme in his writer's room with regard to the Independence Day celebrations on 15.08.2019, the charged officer attended before him. Then RI told the charged officer that he is not available at headquarters to communicate the instructions of the superior officers and informed on humanitarian grounds that if he filed any representation by requesting to take him to duty before the Supdt. of Police, Krishna and the kind officer will take him to duty by releasing from suspension, but the accused kept quite. On that RI informed him that the accused left by them was nabbed and did he knows what the accused did? On that the charged officer aggrieved went up on RI with provocation to beat and abused RI on his own accord, created panic and obstructed the duties of RI in discharging his legitimate duties. Then RI called RSI B.S.Murthy and instructed him as "Ithadini bayataku pampinchandi", but the charged officer misunderstood the RI word as "Veedini" and again went up on RI by abusing and obstructed him in performing his legitimate duties. RSIs K.Rajesh Kumar, B.S.Murthy, ARPCs 2615 K.Venu, 2621 M.Byreddy, 2338 P.Vasantharao were present at the office of the RI. RSI K.Rajesh Kumar persuaded the charged officer and gave conclusion to the dispute. Then RI put the matter before the superior officers and presented a report before SHO, Chilakalapudi PS for taking necessary action against the charged officer. Subsequently SI T.Nagendrarao of Chilakalapudi PS registered the same as FIR in Cr.No.212/2019 U/Sec.353 IPC and investigated into. During the course of investigation SI visited the scene of offence, examined as many as six witnesses and recorded their statements, arrested the charged officer on the same day at 17.00 hours as prima facie was established against him and sent him remand. Being working in a disciplined force the charged officer behaved indecently, arrogantly, highhandedly and in an undisciplined manner with his superior officer i.e., RI thereby degraded the image of police in the view of public.

(B) Summary of the evidence in support of the charges framed against the Charged Officer:

(1).Statement of Beeram Satyanarayana Murthy:- He is resident of Bhaskarapuram, Machilipatnam. He was enlisted in the Police Department as ARPC-1244 in the year 1978 and retired as RSI on 31.12.2019. On 14.08.2019 while he was present on duty as Duty RSI, in between 12.00 to 13.00 hours some dispute took place between the RI V.Srinivasarao and ARPC-2172 N.Vijaya Kumar in RI Writer's room. In the mean time RI Writer Venu came to him and informed that RI is calling him. Then he followed Venu to the RI Writer's room. At that time RSI K.Rajesh, PCs Reddy, Vijay and RI were present in that room. RI informed him that PC Vijay Kumar is disputing, send him out (ithadini bayataku pampeyandi). Then Venu and Reddi informed him that RI told to Vijay Kumar that he is suspension and how many days he will be in suspension, were you won't give explanation?" On that Vijay Kumar responded and said that RI will not do anything. Vijay went up the RI uttering that RI commented him as Veedini bayataku pampandi. Then he along with RSI Rajesh, PCs Venu, Byreddi persuaded Vijay Kumar and sent him away from there. Later he came to know that in this regard RI reported the matter in

Chilakalapudi Police Station. On 11.09.2019 DSP, Bandar examined him and he revealed the same.

This witness was cross examined by the charged officer that at the time of joining in police duties he has taken the oath that he will work faithfully without prejudice, yes or no, the witness said yes. Whether he is in a view to do justice to the Police profession or the officers, this witness stated that police profession. Whether he heard the dispute between him and the RI Srinivasarao or on learnt through somebody and came, this witness stated that while he was present in ORSI duty, RI Writer Venu came to him and RI asked him to come as some dispute taking place in RI Writer room. Have you read the statement given before DSP, Bandar in the past before signing, this witness said yes. As per your knowledge when a person is under suspension, is the RI may call him or the office has to call?, this witness said he doesn't knows. Whether he has heard or learnt through the persons present there that he uttered RI as "neevu nannu yemi peekalevu", this witness said that he came to know through the persons present there. When he entered in to the room, RI said either "ithadini" bayataku pampandi or "veedini" bayataku pampandi?, this witness said that "Ithadini". Am I went up on the RI by misunderstanding that he commented as "veedini", this witness said he was not present there at that time and not heard. Why he stated before DSP, Bandar, that the charged officer uttered RI as "nannu veedini antavaa" and also "RI gaari meedaku velladu", this witness said that he was not present there at that time, when called he went there while dispute is going on and learnt the happening and he had not said like that before DSP, Bandar. Did he knows that RI has got videographed the entire dispute?, this witness said that he is present in OS duty and he doesn't knows. Have you read the statement given on 11.09.2019 before DSP, Bandar in the past before signing, this witness said read and signed. When the witness read and signed, why he stated before DSP, Bandar like that, this witness replied that he had not told like that at that time, while he was present there, the charged officer went up on RI. As he went up the RI, he put his signature on the statement. While he is in the RSI designation, what is the relevance in contradicting the statements, this witness said he has given answers to all his questions and there is no need to speak about his designation. The charged officer said that the allegations made against him are false, what about in his view, this witness said that how can he comment on that? As per the video shown to him, RI uttered that the charged officer is working under him and he can call him as Veedu, what do you say, this witness replied that he doesn't knows about the video.

The Enquiry Officer questioned this witness that whether he has intentionally deposed the evidence or influenced by anybody? This witness said that he voluntarily stated and none have influenced him.

(2).Statement of Manchala Bireddy:- He is resident of Machilipatnam near Hyni High School. He was enlisted in the Police Department as ARPC with Genl.No.2621 on 07.05.2018 and now performing duties as RI Writer. On 14.08.2019 at 12.00 noon as per the instructions of RI V.Srinivasarao, they are attending the fatigue work with other staff in the ground in connection with the 15th August Independence Day Celebrations. At that time AR PC-2172 N.Vijay Kumar who is under suspension came as called by RI. At that time RI is getting prepare the minute to minute programme of 15th August programme by sitting in the writer room. Then RI asked Vijay Kumar as "Yenti Vijay Kumar, SP gaarini kalavavaa, suspension nundi relieve avvavaa, neevu SP gaarini kalisi requisition iste duty ki join avvachugaa, ayinaa meeru vadilesina muddai

dorikaadu telusaa? Then Vijay Kumar said “teliyadu”. Then RI asked Vijay Kumar as “what is your problem, why you are talking as I have intentionally left the accused by taking money” by showing finger to RI by uttering on his own accord. Then RI asked why he is coming up on him asked him to go and meet SP Sir, but Vijay kumar paid deaf ear and uttered as he like. Then RI called RSI Murthy and instructed as “ithadini bayataku pampinchandi”, but Vijay Kumar misunderstood the RI words as “veedini” and again disputed with RI and abused on his own accord and created panic. Then he along with RSI Rajesh, RSI Murthy, Venu, Vasantharao persuaded Vijay Kumar and he paid deaf ear. RI informed the same to higher ups and filed a case in Chilakalapudi PS.

The charged officer examined this witness that when you had joined as PC on 07.05.2018, did you promise to work without any hatreds or not? This witness replied that Yes, I did. Charged Officer questioned that you want to do justice to your Police Profession or to an officer?, this witness said to my Police Profession. Charged Officer questioned that does RI hold the power to call a Constable who is under suspension? Ever an incident happened when RI called so? This witness replied issue unrelated to me. Charged Officer questioned that were you there when the incident had happened? This witness said yes, I was there. Charged Officer questioned that you said, when discussion was going on between us that I had shown finger to RI and abused him. Can you say even a word which I had abused? This witness replied by showing finger you said these “Enti nuvvu vadini, vadini ani antunnavu” to RI. Charged Officer questioned that is asking so, is abusing according to you? This witness replied as you asked me to say one word, I said this. You had uttered even more words, but at the moment I don’t remember them. Charged Officer questioned that when RI called ORSI Murthy and asked him and said “itadini bayataki pampinchandi”, then did I ruthlessly spoke stating “Enti veedni bayataki pampu antunnava?” This witness replied yes, You did. Charged Officer questioned that in this context, RI asked you to shoot a video. Do you have it now? Do you know what was spoken in that video? This witness replied I had done that on the instructions of RI, but as I lost my mobile phone, I don’t have it now and I don’t remember those words. Charged Officer questioned that when RI himself admitted in the video that he says “Veedu, Veedini” then how were you able to say that he said these “ithadini bayataki pampandi” were intended about me? This witness replied I didn’t listen, RI saying “Veedini” to you. Charged Officer questioned that then on 10.09.2019 in the statement given to DSP why did you say that I had spoken ruthlessly adding unsaid words and saying these “Enti nannu Veedini bayataki pampu ani antaava”? This witness replied I don’t know whether RI said those or not. But I had heard you saying those, so I had given such statement. Charged Officer questioned that when the discussion was going on, you were there with us. Don’t you know what we were speaking? This witness replied I don’t know. In between RI sent me to call ORSI and also to bring water. I don’t know what had happened in that moment. Charged Officer questioned that was the video shown to you was taken by you? This witness replied yes. Charged Officer questioned that in that video, RI said “Veedini ani antaanu”. What do you say about that? This witness replied the conversation in the video is unrelated to me. You have insisted RI saying “annavu annavu”, so he might have said those words. Charged Officer questioned that in this context, I say that you have shown support to your officer and gave false statements regarding me. What do you say about that? This witness replied I have spoken only the realities. There were no fictional in that and I didn’t give any false statements in anyone’s favour.

This witness was neither cross examined by the C.O. nor reexamined by the E.O.

(3).Statement of Kalaka Venu:- He is resident of Valandapalem of Machilipatnam. He had joined in the Police Department on 07.05.2018 as ARPC. His general number is 2615. On 14.08.2019 around 11.30 am to 12.00 hours, RI V. Srinivasarao asked him to call Vijay over phone and to meet A-Superintendent. On that he had called PC-2172 Vijay Kumar over phone and said the thing. On that Vijay Kumar agreed saying yes and came. At that time he was sitting in front of the system and was typing. RI was sitting next to him and were dictating minute to minute program related to August 15th parade. At that time RSI Rajesh, ARPC-2621 Baireddy and ARPC-2338 were also there at that place. ARPC 2338 came after 2-3 minutes of Vijay Kumar's arrival. After Vijay Kumar's arrival RI said "Vijay what's up? You were asked to meet A-Superintendent, did you met? I heard that you didn't even attend the OE." On that Vijay Kumar stood silent without answering. RI added "did you know that the accused whom you had escorted was caught? You would get back your job if you attend the OE, don't you care about it?" Then Vijay Kumar said that "what sir, am I left the accused by taking money? You are speaking like that. Why do you speak like this? On that, RI said, "saying this to your benefit. Why do you talk like this? On this their words got increased and RSI Rajesh tried to pacify the same and Vijay Kumar said "you please stop sir". On that RI called the duty RSI and asked him to send Vijay Kumar out by saying "Eeyanani bayataki pampeyyandi". On that Vijay Kumar said, "Nannu veedu antava! Entha nee daggara pani chese constable ni aite matram, veedu anavacha" Then RI said that he didn't say "Veedu" rather said "Ithanni" and both argued for a while and then Vijay Kumar left from there. Later he came to know that RI filed a case in the Chilakalapudi Police Station. In the past when DSP Bandar enquired, he stated the above facts.

The charged officer examined this witness that you want to do justice to your Police Profession or to an officer? This witness replied to my Police Profession. Charged Officer questioned that were you there when RI and I argued and the incident had happened? This witness replied yes, I was there. Charged Officer questioned that you said that I had spoken ruthlessly to the RI. What did I speak? This witness replied you had said these "Entha officer aite matram, nenu mee kinda pani chese constable aite matram, nannu veedu ani antaaraa" repeatedly and also said "did I leave the accused by taking money from him, why do you talk so?" etc. Charged Officer questioned that in the statement given to Bandar DSP on 10.09.2019, it has been given that RI said "Itadini" but Vijay Kumar mistook it as "Veedni". But in the video got taken by the RI, he himself accepted that he would say "Veedini". What is your answer for this? This witness replied the statement given to the DSP is truth; I don't know what's there in the video. Charged Officer questioned that in this context, I say that you have shown support to your officer and gave false evidence regarding me. What do you say about that? This witness replied no. I have spoken only the realities.

This witness was not re-examined by the E.O.

(4).Statement of Palli Vasantharao:- He is resident of NGO's Colony, Machilipatnam. He has been discharging his duties as ARPC-2338 since 18.10.2013. On 14.08.2019 RI Srinivasarao was conducting fatigue with AR staff with regard of August 15th Parade. After sometime, RI Srinivasarao and his writer Venu were preparing the next day's program in the writer's room. Around 12.30 hours, PC-2172 N. Vijay Kumar came there. Then RI spoke to him

like how many days he would stay under suspension, if he had met S.P, he would have relieved him and also said that the accused left by him was caught and RI asked him whether he knew what he had done. Then Vijay Kumar harshly said, "What's your problem, you are speaking as if I had left the accused by taking money from him." Then RI said "I am telling for your benefit and why are you speaking like this, go and meet A. Superintendent and submit the requisition." Then Vijay Kumar said that he would not go to him and went over to the RI. Then RI called RSI Murthy and asked him stating "Ithadini bayataki pampandi." Then Vijay Kumar said "nannu veedu antava" and then abused him. Then RSI Murthy and RSI Rajesh, Venu and Baireddy sent Vijay Kumar out. Later RI informed the same to higher officials and filed a case against the Vijay Kumar in Chilakalapudi Police Station. In the past when DSP Bandar enquired, he stated the above facts.

The charged officer examined this witness that I am saying that in the above mentioned occurrence, you are not present there, what is your answer to this? This witness replied at the beginning I was not present there, after some time of the Vijay Kumar arrival I came there. The charged officer questioned that in the statement given to Bandar DSP on 10.09.2019, it has been given that RI said "Itadini" but Vijay Kumar mistook it as "Veedni". But in the video got taken by the RI, he himself accepted that he would say "Veedini". What is your answer for this? This witness replied I understood the same as per your words but I don't know what was in the video. The Charged Officer questioned that in this context, I say that you have shown support to your officer and gave false evidence regarding me. What do you say about that? This witness replied no. I have spoken only the realities.

This witness was not re-examined by the E.O.

(5).Statement of Vendra Srinivasarao:- He is working as Reserve Inspector of Police, SIB, Vijayawada. He had worked as RI, Admn., DAR, Machilipatnam from 26.03.2018 to 17.09.2019. In those days, on 26.05.2019, SP Sir, Krishna District had suspended the escort staff ARPCs 2594, 2172 and VRPC-452 pointing that they had let the accused to abscond on 23.05.2019. Then on the instructions of SP, Krishna District he had called them for OE and to ask their representations for taking back to duties. In that, except ARPC-2172, remaining two had attended. On 14.08.2019 afternoon, he had instructed his writer Venu to call ARPC-2172 over phone. While he was in the writer's room preparing the program for the next day's August 15th parade. Mean time ARPC-2172 N.Vijay Kumar had arrived there. Then on Humanitarian grounds he had spoken to the ARPC-2172 N.Vijay Kumar "What Vijay, you are under suspension, don't you want to come back to the duties? If you had submitted the requisition to take you back to duties, SP Sir would have considered you and could have taken you back to duties. Vijay Kumar was kept silent. Then he asked Vijay that did he know that the accused was apprehended, but Vijay Kumar remained silent. Then he said that it is not right to be under suspension and Vijay should meet SP Sir as the accused was apprehended. On saying this, Vijay Kumar said that he didn't know that the accused was apprehended. He asked Vijay Kumar did he know what the accused did. On that Vijay Kumar aggrieved went over him as if Vijay was about to hit and abused him. On that he said that he wished the benefit of Vijay and called, but in return Vijay had uttered rude words towards him. And also instructed Vijay Kumar to go to DPO and meet A. Superintendent and follow the instructions given by him. Vijay was using disrespectful singular word forms towards him and was shouting that Vijay would not go anywhere but stays there and

screaming out do whatever you want. He said that he was discharging his duties and let him do that and asked Vijay to leave the place. Vijay was obstructing him in performing his duties by abusing and then he called the duty RSI Murthy and asked Vijay to take out from there by using the words "Ithadini bayataki teesukuni vellandi", also asked Vijay to go and meet A. Superintendent. On that, Vijay Kumar started shouting even deeper and went over him as if Vijay was about to hit him. The on duty RSI Rajesh tried to stop Vijay, but still Vijay wasn't stopping and had created panic there. He had used the word "Athadini", but Vijay Kumar had created scene stating that he had used the word "Veedini" and got reversed over him. When he was sitting in a chair, Vijay came to hit him. Later he informed the same to his hierarchy and as per their oral instructions, filed a case against N. Vijay Kumar in Chilakalapudi Police Station. In the past i.e. 10.09.2019, when examined by the DSP Machilipatnam, the above facts were presented by him.

The charged officer examined this witness that whether you are office will call the suspended persons? This witness replied that as per the instructions of SP Sir to take Vijay Kumar in to duty from suspension, he called the Vijay Kumar. Charged Officer questioned that why should you call me to your office without directing to A-Superintendent thereby intentionally called me to dispute with me. This witness replied that on 14.08.2020 as per the instructions of SP Sir he called Vijay Kumar, except that on that day he is very much engaged in preparing the ground for 15th August parade work and he has no time to dispute with Vijay. Charged Officer questioned that if you have no time to dispute, then why you called me to office and disputed with me intentionally? This witness replied that he has no time as he was very much engaged in the next days programme, at that time you came in to the office and intentionally disputed with me. Charged Officer questioned that you have stated that you have the humanity. Is it humanity to call and insult by saying "veedini bayataku pampandi" while a constable is under suspension? This witness replied that I have not called you as "veedini". Already you have disputed and coming over me. On that I have called duty RSI and instructed him as itadini bayataki pampandi, ask him to meet A-Superintendent. Charged Officer questioned that the dispute took place only as you called me as veedini, as I was already in suspension and suffering a lot, with that agony when you used the word veedini, the dispute started. At that instance you have got videographed the same, whether you videographed or not? This witness replied that as you are coming over me, I have instructed the PC Byreddi to videograph the same. I have not called you as veedini. Charged Officer questioned that even though you are RI, do you have such power to call a constable working with you as veedu. Further you said that I have abused you, then what I abused? It will be in the video, so please show the video. As in due process used to say that veedekkadiki velladu, vaarekkadiki vellaru. But it is not mentioned in the manual whether the officer had such power or not. you have come over me by pointing your finger uttering me in singular form and I felt it as insult. I will produce the video before my officers. Charged Officer questioned that in the absence of persons, it is common to call him as veedu, but while present face to face, you have said veedu, who gave you such power?, this witness replied that I have not called you as veedu. Charged Officer questioned that you denied calling me as veedu, but I have evidence with me and it is nothing the video which was got videographed by you. Then what is the evidence with you that I have abused you. Video is one of my evidences and there are eye witnesses whose statements were recorded by the officers. Charged Officer questioned that you have intentionally disputed with me to destroy my job life and framed false allegations. This witness replied that he had no such intention.

This witness was not re-examined by the E.O.

(6).Statement of Kosuru Rajesh Kumar: He has been working as Reserve Sub-Inspector since 12.10.2014. At present he is on Medical Leave due to his ailment. On 14.08.2019 afternoon he and his staff were working in the ground for the next day's Independence Day program, RI sir was in the office preparing the next day's program. For taking Program Sheet colour print, he went into the RI writer's room and saw ARPC-2172 Natha Vijay Kumar harshly arguing with the RI sir. Then he asked why he was screaming at RI and asked him to let RI perform his duties and also added that if he had any problems, he should meet DSP sir but not to RI sir. Then PC-2172 asked him not to get involved in between them. Then PC-2172 starting disturbing their work and obstructed their duties. On that RI sir asked duty ORSI B.S.N.Murthy, ARPC-2621 Baireddy to send the ARPC-2172 out from there. Vijay Kumar mistook that RI sir had called him using the word "Veedini" and created a scene there. Listening to none, he uttered many words. The actual reason was, as per the instructions of higher officials, he was called with regard to the issue in which an accused escaped from the custody of PC-2172 and others who were suspended by the SP Sir on the same reason. Later RI sir had informed the same issue to the higher officials and as per their instructions filed a case against the ARPC-2172 in Chilakalapudi Police Station. On that, PC-2172 said that he would also file a case and went away. When he was there, PCs Venu, Baireddy and Vasantharao were also present there. In the past, when examined by the DSP Bandar, the above facts were presented by him.

The charged officer examined this witness that you have said that dispute took place and I went up on by harshly speaking, then what I speak at that time?, this witness replied that when he went there, at that instance Vijay calling RI sir in singular form as nuvvu uttering that why RI sir is talking as he left the accused by taking money and went up by shouting and pointing his finger. The main reason for this dispute is RI insulted him by using singular form as 'veedini bayataku pampinchandi' whether used the word 'veedini' or not? This witness replied that not used the word 'veedini', with an intention not to prolong the argument, called ORSI and asked to send him out, but not mentioned the word 'veedu'. Charged Officer questioned that you have intentionally supporting your officer and made false allegation on me. Yes for no, this witness replied that no.

This witness was not re-examined by the E.O.

(7).Statement of Tirupathi Nagendrarao: He has been working as Sub-Inspector of Police at Chilakalapudi Police Station since 21.06.2019. On 14.08.2019 at around 2.00pm, RI Sri Vendra Srinivasarao working in Armed Reserve, Krishna District came to Chilakalapudi Police Station and presented a complaint that around 1.00pm, as per the instructions of SP sir, he called the ARPC-2172 Natha Vijay Kumar who is under suspension, to take representation from him. The said PC behaved ruthlessly on his own accord, abused and went over him as if he was about to hit him and obstructed him in discharging his duties. He didn't even shown respect towards his higher officer and uttered words irrelevantly. The issue was informed to CI M.Venkata Narayana by him and filed a case as Cr.No.212/2019 U/S 353 IPC, in the course of investigation he had inspected the scene of offence, examined the witnesses. As there is prima-facie case proved against the accused ARPC-2172, he had arrested on the same day and produced ARPC-2172 before the Hon'ble Court along with the remand report. During the course of investigation, it is disclosed that ARPC-2172 along with his colleagues were suspended by the SP sir on the grounds of negligence in escorting an accused namely Ravishankar in Cr.No.56/2018 of Pamaruru

Police Station which resulted the escape of the said accused. In this context, as per the instructions of the higher officials, ARPC-2172 was called by RI sir and then PC-2172 acted ruthlessly and went over him. He obstructed RI sir in performing legitimate duties. In the past, when examined by the DSP Banar, the above facts were presented by him.

This witness was neither cross examined by CO nor reexamined by the EO.

(8).Statement of Morla Venkata Narayana: He has been working as S.H.O in Chilakalapudi Police Station since 14.08.2019. On 14.08.2019 around 2.00pm, AR RI V.Srinivasarao came to Chilakalapudi PS and presented a report stating that on that day around 1.00pm, as per the instructions of SP Sir, he called the ARPC-2172 N.Vijay Kumar who is under suspension, to take representation from him. The said PC-2172 behaved ruthlessly on his own accord, abused and went over him as if he was about to hit him and obstructed him in discharging his legitimate duties thereby insulted him. The report was registered as a case by SI T.Nagendrarao vide Cr.No.212/2019 U/sec.353 IPC and during investigation examined 6 witnesses, arrested PC-2172 Natha Vijay Kumar on the same day and was sent to remand. The said PC-2172 was suspended by SP Sir with regard to the absconding of accused Itham Ravishankar of Pamarru Police Station Cr.No.56/2018 U/S 324 R/W 34 IPC from the escort of the PC-2172. Then he had submitted a Special Report in this regard against the ARPC-2172 to the higher officials.

The charged officer examined this witness that I have submitted a report prior to the report of RI stating that RI Srinivasarao insulted me by calling in singular form. Why you have not registered the FIR? This witness replied that as per his knowledge no report received. Charged officer questioned that whether each and every petition received in the PS was registered as FIR say yes or no? This witness replied that will be registered if the report contains cognizable contents. Charged officer questioned that am I committed any unsocial activities like theft, murder, even I have cooperated and informed that on that day is my birthday. Then why you have kept me in the lock up along with thieves? This witness replied that Arrest procedure was duly followed and there are no violations. Charged officer questioned that with an intention to suffer me you have not registered my own hand written report yes or no? This witness replied that no. The case was investigated as per procedure and there are no other intentions.

This witness was not re-examined by the E.O.

(9). Statement of Sri Mahaboob Basha:- He is working as Sub Divisional Police Officer, Machilipatnam since 09.10.2017. In obedience to the instructions of the Supdt. of Police, Krishna contained in Memo in C.No.52/A5/2019 Dt.26.08.2019 he had conducted Preliminary Enquiry against PC-2172 Sri Natta Vijay Kumar working in District Armed Reserve, Krishna District, Machilipatnam for his high handed behavior and use of criminal force to deter public servant i.e., RI, DAR, Krishna, Machilipatnam from discharge of his official duties. During enquiry he had secured the presence of witnesses (1). RI Vendra Srinivasarao, Reserve Inspector, (2). RSI Kosuru Rajesh Kumar, (3). AR PC-2338 Palli Vasantharao, (4).AR PC-2621 Manchala Byreddi, (5). AR PC-2615 Kalaka Venu and (6). RSI Beeram Satyanarayana Murthy, (7). SI Tirupathi Nagendrarao of Chilakalapudi PS, examined them and recorded their statements. His enquiry revealed basing on the merits of the witnesses statements that on 14.08.2019 the

Charged Officer AR PC-2172 Natta Vijay Kumar was called by the RI, DAR, Krishna, Machilipatnam to his office as per the instructions of hierarchy to enquire about his explanation. At that time the Charged Officer AR PC-2172 Natta Vijay Kumar went up on his superior officer i.e., Reserve Inspector by showing his finger and also calling him in singular words obstructed him in discharging his legitimate duties. This was witnessed by the witnesses stated above. In this regard a case in Cr.No.212/2019 U/s 353 IPC was registered in Chilakalapudi PS on 14.08.2019 at 14.00 hours and sent the charged officer for remand. On that he had concluded his enquiry that the Charged Officer AR PC-2172 Sri Natta Vijay Kumar being a member of disciplined force, exhibited gross reprehensible conduct, assaulted on his Superior Officer and obstructed him while discharging his legitimate duties. Under the above facts and circumstances on 09.11.2019, he had submitted his enquiry report to the Supdt. of Police, Krishna vide Dis.No.1870/SDO-M/2019 Dt.09.11.2019 with a request to initiate necessary disciplinary action against the Charged Officer AR PC-2172 Natta Vijay Kumar working in DAR, Krishna, Machilipatnam.

This witness was neither cross examined by the C.O. nor reexamined by the E.O.

(C) Documents in favour of Prosecution:

1. Statement of Sri B.Satyanarayana Murthy, RSI, DAR, Krishna, Machilipatnam. Ex.P-1
2. Statement of Sri M.Byreddy, ARPC-2621, DAR, Krishna, Machilipatnam. Ex.P-2
3. Statement of Sri K.Venu, aRPC-2615, DAR, Krishna, Machilipatnam. Ex.P-3
4. Statement of Sri Palli Vasantharao, ARPC-2338, DAR, Krishna, Machilipatnam. Ex.P-4
5. Statement of Sri V.Srinivasarao, RI, DAR, Krishna, Machilipatnam. Ex.P-5
6. Statement of Sri K.Rajesh Kumar, RSI, DAR, Krishna, Machilipatnam. Ex.P-6
7. Statement of Sri T.Nagendrarao, SI of Police, Chilakalapudi PS. Ex.P-7
8. Copy of FIR in Cr.No.212/2020 U/Sec.353 IPC of Chilakalapudi PS. Ex.P-8
9. Statement of Sri M.V.Narayana, Inspector of Police, Chilakalapudi PS. Ex.P-9
10. Special Report of the Inspector of Police, Chilakalapudi PS Dt.19.08.2019. Ex.P-10
11. Preliminary Enquiry Report of the Sub Divisional Police Officer, Machilipatnam C.No.1870/Prl. Enquiry Report/SDPO.M/2019 Dt.09.11.2019. Ex.P-11

(D) Defense Witness:

No Defense Witnesses were examined as the Charged Officer Sri N.Vijay Kumar, ARPC-2172, DAR, Krishna, Machilipatnam did not produce any witnesses for his defense.

(E) Explanation of the Charged Officer:

The Charged Officer Sri N.Vijay Kumar, ARPC-2172, DAR, Krishna, Machilipatnam has submitted his written explanation after completion of recording his third oral statement by pleading that the then RI, Admn.. DAR, Bandar had intentionally implicated him in to the criminal case with a grudge that he had questioned the RI for insulting him by calling in singular form as "Veedini"

and also with the animosity by keeping previous grudges with him while RI was working as RSI in DAR, Bandar.

(F) Analysis and assessment of evidence:

I have gone through the explanation of the Charged Officer Sri N.Vijay Kumar, ARPC-2172, DAR, Krishna, Machilipatnam and the material evidence on record in the OE file adduced during Oral Enquiry reveals that the Charged Officer Sri Natha Vijay Kumar, AR PC-2172 is working in DAR, Krishna, Machilipatnam since 26.01.2012. ARPC-2172 was suspended for his negligence in leaving the remand accused Ayitham Ravi Sankar in Cr.No.56/2018 U/s 324 r/w 34 IPC of Pamaru PS. As per the instructions of hierarchy RI V.Srinivasarao through his writer ARPC-2615 K.Venu called the Charged Officer ARPC-2172 to his office and the Charged Officer ARPC-2172 attended RI's Office in District Police Office, Krishna, Machilipatnam on 14.08.2019 at about 12.30 hours. At that time RI V.Srinivasarao is attending his legitimate duties by sitting in his writer room and preparing the minute to minute program with regard to the 15th August Independence Day Celebrations. When RI V.Srinivasarao asked the charged officer Sri Natha Vijay Kumar, AR PC-2172 that are you not come for duty? If you give representation to SP Sir requesting to take on duty, Sir will permit you to take on duty. As the charged officer Sri Natha Vijay Kumar, AR PC-2172 kept quiet, RI informed him that the accused left by them was nabbed and did he know what the accused did? On that the charged officer Sri Natha Vijay Kumar, AR PC-2172 aggrieved, went up on RI with arousal to beat and abused on his own accord, created panic thereby obstructed the RI in discharging his legitimate duties. Then RI called duty RSI Murthy, instructed him as "Itadini bayataku pampinchandi", but Vijay Kumar misunderstood the RI word as "veedini" and again went up on him by abusing and not allowed him to perform his legitimate duties. This was witnessed by RSI Rajesh Kumar, ARPC-2615 K.Venu, ARPC-2621 M.Byreddy, RSI B.Satyanarayana Murthy, ARPC-2338 P.Vasanatharao. RI put the matter before hierarchy and then reported against the Charged Officer ARPC-2172 in Chilakalapudi PS. SI T.Nagendrarao registered the same as FIR in Cr.No.212/2019 U/s 353 IPC of Chilakalapudi PS on 14.08.2019 at 14.00 hours and took up investigation. During investigation as prima-facie case is made out against the Charged Officer ARPC-2172, arrested him on the same day at 17.00 hours and sent him for remand. On that Sri M.Venkata Narayana, Inspector of Police, Chilakalapudi PS submitted a special report against the Charged Officer ARPC-2172 for his high handed and reprehensive behaviour towards his superior officer.

The witnesses examined RSI Beeram Satyanarayana Murthy, ARPC-2621 M.Byreddi, ARPC-2615 K.Venu, ARPC-2338 P.Vasantharao, RSI K.Rajesh Kumar categorically stated that the Charged Officer Sri Natha Vijay Kumar, AR PC-2172 went to his Superior Officer i.e., RI V.Srinivasarao behaved in high handed manner, uttered in singular form by abusing. The SI T.Nagendrarao and CI M.Venkata Narayana of Chilakalapudi PS also stated that during the investigation of case in Cr.No.212/2019 U/s 353 IPC of Chilakalapudi PS, prima-facie case is made out against the Charged Officer Sri Natha Vijay Kumar ARPC-2172.

From all the above, the allegations leveled against the Charged Officer Natha Vijay Kumar, ARPC-2172 working in DAR, Krishna, Machilipatnam that exhibiting gross reprehensible conduct,

assaulting on his Superior Officer and obstructing him while discharging legitimate duties, is remained consistent and confirmed.

(G) Findings:

Basing on the documentary evidence on record in the OE file and the evidence of witnesses adduced in the Oral Enquiry, I hold the Charged Officer Natha Vijay Kumar, ARPC-2172 working in DAR, Krishna, Machilipatnam is “**PROVED**” beyond reasonable doubt.

Sk.Abdul Azeez
Inquiry Officer and
Dy. Supdt. of Police,
Mahila PS, Machilipatnam.

CERTIFICATE

Certified that the procedure laid down in A.P.C.S., (CCS) Rules, 1991 has been followed in the conduct of this Oral Enquiry.

SK. ABDUL AZEEZ
Inquiry Officer and
Dy. Supdt. of Police,
Mahila PS, Machilipatnam.

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